

Case Management



CM / ECF

Electronic Case Files

*United States Bankruptcy Court
for the
Western District of Missouri*

ADMINISTRATIVE PROCEDURES

(Revised 5/14/2004)

Table of Contents

| | |
|--|---|
| Registration | 1 |
| Passwords | 1 |
| Electronic Filing and Service | 2 |
| Filing | 2 |
| Service | 2 |
| Notice to United States Trustee | 3 |
| Signatures | 3 |
| Pro se filers | 4 |
| Special Document Filing Requirements | 4 |
| Filing Fees | 4 |
| Assignment of Non-Western District Cases | 4 |
| Orders | 5 |
| Exhibits/Attachments | 5 |
| Exceptions to Electronic Filing | 6 |
| Sealed Documents | 6 |
| Exhibits | 6 |
| Claims | 7 |
| Conventional Service | 7 |
| Public Access | 7 |
| Internet Access with a Password | 7 |
| Public Access at the Court | 8 |
| Copy Requests | 8 |

Appendix

| | |
|--|----|
| Registration Form | 10 |
| Sample of Notice of Electronic Filing | 12 |
| Declaration Re: Electronic Filing | 13 |
| Summary of Exhibits and Certificate of Service | 14 |

ECF ADMINISTRATIVE PROCEDURES

I. REGISTRATION FOR THE ELECTRONIC CASE FILING SYSTEM

A. DESIGNATION OF CASES

The Court shall designate which cases shall be assigned to the Electronic Case Filing System (hereafter System).

B. PASSWORDS

Each attorney admitted to practice in this Court and currently in good standing shall be entitled to one System password. This password shall permit the attorney to participate in the electronic retrieval and filing of pleadings and other documents in accordance with the System. Registration for a password is governed by paragraph (I C).

C. REGISTRATION

1. A registration form (See Appendix) must be submitted for each attorney filer. The form may be duplicated for use.
2. All registration forms are to be returned to the Charles Evans Whittaker United States Courthouse, Room 1510, 400 East Ninth St., Kansas City, Missouri 64106; ATTN: Bankruptcy Operations Manager.
3. After completion of training with a Clerk's Office employee, each registering attorney will be assigned a login and password for the System. Each attorney will receive an internet e-mail message after his/her password has been assigned. This is to insure that the attorney's internet e-mail address has been entered correctly in the ECF System. The registering attorney may contact the Clerk's Office for activation of his/her live system login and password. The password information for the live system will be mailed to the attorney by regular, first-class mail.
4. An attorney may change the assigned password. In the event an attorney believes that the security of an existing password may have been compromised, the attorney shall immediately change that password. If an

attorney forgets password information, the Clerk's Office will assign a new password which will be provided to the attorney as in Section I C 3.

5. Once registered, an attorney may withdraw from participation in the System by providing the Clerk's Office with written notice of such withdrawal. Upon receipt of the written notice, the Clerk's Office will immediately cancel the attorney's password and delete the attorney from any applicable electronic service list. However, this does not authorize the attorney to withdraw as the attorney of record for his/her client. The attorney must still follow procedure as set out in Local Rule 2091-1 to withdraw as attorney of record.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING ELECTRONICALLY

1. Except as expressly provided for in paragraph III A, all pleadings and documents required to be filed with the Court in connection with a case assigned to the System shall be electronically filed. Parties without legal representation are not required to electronically file pleadings and other papers in a case, but must adhere to the requirements set out in the Local Rules dealing with conventional filing.
2. All documentation that is part of a pleading should be electronically filed together as one; e.g., the motion, affidavits, support brief, memorandums of law. See III A 1 b and II J regarding exhibits.
3. Any document which requires leave of the Court to be filed, such as a document to be filed out of time, is to be attached as an exhibit to the motion requesting leave. If the motion is granted, the Order will direct the movant to electronically file the document with the Court.
4. *Filer* is defined as the attorney of record or the actual party in interest, if not represented by counsel, who transmits any pleading or document to the Court.

B. SERVICE

1. Whenever a pleading or other paper is filed electronically in accordance with the electronic filing procedures, the System will

automatically generate a “Notice of Electronic Filing” (See Appendix) by electronic means at the time of docketing.

2. The filer shall serve the pleading or other paper upon all persons entitled to notice or service in accordance with the applicable rules. If the recipient is a registered attorney in the System, service of the “Notice of Electronic Filing” shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.

C. NOTICE TO THE UNITED STATES TRUSTEE

1. Chapter 11, 12 and Involuntary 7 Cases.

Filers must serve all first-day motions and notices by e-mail, FAX or in person on the United States Trustee.

2. Chapter 7 Cases.

Filers must serve all motions and notices listed in Bankruptcy Rule 9034 by e-mail on the United States Trustee. Court must serve all orders of conversion by e-mail on the United States Trustee.

3. Chapter 13 Cases.

Court must serve all orders of conversion by e-mail on the United States Trustee.

D. SIGNATURES AND AFFIDAVITS OF SERVICE

1. When the original petition is filed electronically, the attorney for the debtor(s) shall file the hard copy of the originally executed “Declaration Re: Electronic Filing” (See Appendix) with the Court within 5 business days of the electronic filing of the petition.

2. Amendments, pleadings, affidavits, and any other documents which must contain original signatures or which require verification or an unsworn declaration under any rule or statute shall be filed electronically. Upon request, the original documents must be provided to the Court or other parties for review. The pleading or other document electronically filed shall indicate a signature like “/s/Jane Doe”.

3. In the case of a stipulation or other document to be signed by two or more persons, the following procedure shall be used:

(a) The filer shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the actual signatures of all parties on the document.

(b) The filer shall then file the document electronically, indicating the signatories, e.g., “/s/Jane Doe,” “/s/John Doe,” etc.

(c) The filer shall retain the hard copy of the document containing the original signatures in accordance with subparagraph II D 2 above.

4. *Pro Se filers* shall file fully signed paper originals of all petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain original signatures or which require verification or an unsworn declaration under any rule or statute. These documents will be scanned by the Clerk’s Office, and shall be maintained in the Clerk’s Office after scanning.

E. SPECIAL DOCUMENT FILING REQUIREMENTS

Creditor Matrix. The creditor matrix is prepared with word processing software in a single column format with a 1" left margin (not centered). Creditors are single spaced with a double space separating one creditor from the next. The city, state and zip must all be on the last line. The word processing file is saved as a text (.txt) file and uploaded to the Electronic Case Filing system per the user’s manual.

F. FEES PAYABLE TO THE CLERK

1. For filings that require a fee, *registered filers* shall be required to pay on-line using the court’s Internet Credit Card Program.
2. For filings that require a fee, *non-registered filers* must follow current local rules for methods of payment.

G. ASSIGNMENT OF NON-WESTERN DISTRICT CASES

Assignment shall be made to the Division closest to the debtor’s address.

H. ORDERS

1. The Clerk's Office will electronically file all orders, notices and other court-produced documents in the System. **DO NOT SUBMIT A PROPOSED ORDER TO THE COURT UNLESS INSTRUCTED TO DO SO.**
2. The Court will produce and file standard orders to grant or deny motions. Under certain conditions, a party may be instructed by the Court to submit the proposed order to the Courtroom Deputy responsible for the case. WordPerfect or Word format is preferred.
3. **DO NOT ATTEMPT TO FILE A PLEADING WHICH CONTAINS AN ORDER IN THE BODY OF THE PLEADING.**
4. Wage orders under Local Rule 3083-1 H 1, voluntary assignments pursuant to the filed Chapter 13 Plan, all amendments thereto, and cancellations of wage orders shall be prepared and entered electronically by the Chapter 13 trustee.

I. TITLE OF DOCUMENT ENTRIES

The person electronically filing a pleading or other document will be responsible for designating a title for the document by selecting the appropriate event from the categories provided in the System. See Attachment 5 for a listing of the categories and events.

J. EXHIBITS/ATTACHMENTS

Documents and claims that reference exhibits, including but not limited to leases, notes, and the like, shall only include a brief description of the exhibits that are directly germane to the matter under consideration by the Court. A summary of the exhibits shall be submitted as part of the document and shall include a Certificate of Service with the notation that the exhibits are available to counsel and the Court upon request. The Certificate should be appended to the document. These exhibits must be available in the Courtroom at any hearing pertaining to the matter. (See Appendix for a sample of the "Certificate of Service".)

III. EXCEPTIONS TO ELECTRONIC FILING

Pleadings and papers must be filed via the Internet with the following exceptions: documents under seal, exhibits and claims.

A. ALTERNATE PROCEDURES

1. Sealed Documents and Exhibits

The following documents shall be filed conventionally and not electronically unless specifically authorized by the Court.

(a) **Documents under seal** - The motion to file document(s) under seal shall be filed electronically. However, the actual document(s) to be considered shall be prepared in paper form and submitted to the Courtroom Deputy responsible for the case with the order attached to the document(s) under seal once the order has been entered.

(b) **Exhibits** -

(i) Trial Exhibits shall be submitted conventionally in accordance with the Local Rules.

(ii) Documents and claims that reference exhibits, including but not limited to leases, notes, and the like, shall only include a brief description of the exhibits that are directly germane to the matter under consideration by the Court. A summary of the exhibits shall be submitted as part of the document and shall include a Certificate of Service with the notation that the exhibits are available to counsel and the Court upon request. The Certificate should be appended to the document. These exhibits must be available in the Courtroom at any hearing pertaining to the matter. (See Attachment 6 for a sample of the "Certificate of Service".)

2. Claims -

Claims may be filed electronically, if the claimant is a registered participant, or conventionally. In asset cases, all claims filed conventionally will be scanned by the Court without attachments. Any attachments submitted will be forwarded to the Trustee, if one is appointed, or the attorney for the Debtor.

In no asset cases, any attachments to claims will be returned to the filer.

****Copies of the claims and all attachments shall be served on parties pursuant to the Local Rules.****

B. CONVENTIONAL SERVICE

Pleadings or other documents which are filed conventionally shall be served in the manner provided for, and on those parties entitled to notice, in accordance with the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules except as otherwise provided by Order of the Court.

IV. PUBLIC ACCESS TO THE DOCKET SYSTEM

A. INTERNET ACCESS WITHOUT A PASSWORD

(Not available at this time.)

B. INTERNET ACCESS WITH A PASSWORD

Access to Electronic Bankruptcy Records is available for a fee through the Court's Web site. Contact the PACER Service Center for a login and password at: **1-800-676-6856**.

Parties in a bankruptcy case will receive one free look at documents in the case through the hyperlink included in the Notice of Electronic Filing.

C. PUBLIC ACCESS AT THE COURT

The public will have electronic access to bankruptcy records at no charge. Electronic Bankruptcy records can be reviewed at each of the Federal Courthouses (Kansas City, Jefferson City and Springfield) in the Western District of Missouri during regular business hours.

D. CONVENTIONAL COPIES AND CERTIFIED/EXEMPLIFIED COPIES

Conventional copies and Certified/Exemplified copies of electronically filed documents may be purchased at the Clerk's Office during regular business hours Monday through Friday or by mailing in a request and designating the document(s) by title or docket number. If requesting through the mail, a self-addressed, stamped return envelope and the proper fee must be provided for mailing of the copy work.

The fee for copying, certification, and/or exemplification will be in accordance with 28 U.S.C. §1930.

APPENDIX

United States District and Bankruptcy Courts
Western District of Missouri
Case Management/Electronic Case Files
Attorney/Participant Registration Form

Updated 5/2003

This form shall be used to register for an account on the Court's Case Management/Electronic Case Files (CM/ECF) system. Registered attorneys and other participants will have privileges to electronically submit documents and to receive electronic notice of documents filed in CM/ECF. The following information is required for registration:

First/Middle/Last Name: _____

Last four digits of Social Security Number: _____

Attorney Bar #: _____ State: _____

Firm Name: _____

Firm Address: _____

Firm Address: _____

Voice Phone Number: _____

FAX Phone Number: _____

Internet E-Mail Address: _____

Please specify which court you are registering in (or both):

_____ District _____ Bankruptcy

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. This system is for use only in cases permitted by the U.S. Courts for the Western District of Missouri. It may be used to file and view electronic documents, docket sheets, and notices.
2. At this time, the requirements for filing, viewing, and retrieving case documents are: a personal computer (486 minimum) running a standard platform such as Windows, Windows 95, or Macintosh, an Internet provider using Point to Point Protocol (PPP), Netscape version 4.5 - 4.7, and Adobe Acrobat Writer version 3.0 or Adobe Acrobat 4.0 software to convert documents from a word processor format to a portable document format (PDF).
3. Pursuant to Federal Rule of Civil Procedure 11, Every pleading, motion, and other paper (except list, schedules, statement or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. An attorney's/participant's password issued by the court combined with the

user's identification, serves as and constitutes the attorney/participant's signature. Therefore, an attorney/participant must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney/participant to immediately notify the court. This should include the resignation or reassignment of the person with authority to use the password. The attorney/participant should change the password immediately.

4. I hereby authorize the Court to make charge upon the credit card I have provided for any applicable fees required in conjunction with civil and criminal filings I make in the district court. (Not bankruptcy filings which are paid via the Internet Credit Card Program). I understand that it is my responsibility to provide the court with any changes to my credit card information and failure to do so may result in temporary loss of my login to the System.
5. An attorney's/participant's registration will constitute a waiver in law of conventional service of documents. The attorney/participant agrees that the CM/ECF-generated notice of electronic service will constitute service of the electronic filing on behalf of the client.
6. The undersigned attorney agrees to abide by the most recent General Orders, Administrative Procedures for Electronic Case Filing Manual and all technical and procedural requirements set forth therein.

Please return to: U.S. Bankruptcy Court
Western District of Missouri
Attn: Roberta Kostrow, Operations Manager
400 East 9th Street, Room 1510
Kansas City, MO 64106

If for District Only please return to:

U.S. District Court
1400 U.S. Courthouse
222 John Q. Hammons Parkway
Springfield, MO 65806

U.S. District Court
Charles Whittaker Courthouse
400 E. 9th Street
Kansas City, MO 64106

U.S. District Court
131 W. High Street
Jefferson City, MO 65101

Applicant Signature

Initial of First and Last Name/Last 4 Digits of SS#

Subscribed and sworn to before me this _____ day of _____, 20__.

Notary

My Commission expires _____

**SAMPLE OF NOTICE OF ELECTRONIC FILING
GENERATED BY SYSTEM WHEN A DOCUMENT IS FILED**

00-00000-ABC Notice of Electronic Filing

The following transaction was received from Jim C. Doe on 01/01/2001 at 12:01 AM

Case Name: Debtor name

Case Number: 00-00000-ABC

Document Number: 14

Docket Text:

MOTION FOR RELIEF FROM STAY filed by Jim C. Doe of Creditors law firm on behalf of Creditor. (Doe, Jim C.)

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: x:/xxxx/12345.pdf

Electronic document Stamp:

[STAMP MOWBStamp_ID=1111111111[Date=01/01/2001][FileNumber=11111-1][other codes]]

00-00000-ABC Notice will be electronically mailed to:

Jim C. Doe jdoe@creditors.com

Julie W. Doe jdoe@lawfirm.com

00-00000-ABC The person(s) listed below could not be notified electronically because that person's e-mail notification service is not activated:

John Doe
123 Main St.
Nowhere, USA

Jane Doe
456 Main St.
Somewhere, USA

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

In re:

)

Updated 11/3/03

)

Bankruptcy Case No.

Debtor(s), Full Social Security Number(s)

)

DECLARATION RE: ELECTRONIC FILING**PART I - DECLARATION OF PETITIONER:**

I [We] _____ and _____, the undersigned debtor(s), corporate officer, partner, or member, hereby declare under penalty of perjury that the information I have given or will give my attorney and the information provided in the electronically filed petition, statements and schedules is true and correct. I consent to my attorney sending my petition, this declaration, statements and schedules and any future amendments of these documents to the United States Bankruptcy Court, United States Trustee and Panel Trustee. I understand that this **DECLARATION RE: ELECTRONIC FILING** is to be filed with the Clerk after the petition has been filed electronically but, in any event, no later than 5 business days after the petition has been filed. I understand that failure to file the signed original of this **DECLARATION** will cause my case to be dismissed without further notice.

I [We] hereby designate my attorney, whose signature, name, address, Missouri Bar No., telephone and fax numbers are set forth below, as my agent to receive service of process and service of all pleadings in all proceedings, including adversary actions and contested matters, pursuant to Bankruptcy Rule 7004(b)(8), in this Court arising in this case. This designation shall expire upon entry of the final decree.

G [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of 11 United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter specified in the petition. I declare under penalty of perjury that the foregoing social security numbers is true and correct.

G [If petitioner is a corporation, partnership or limited liability entity] I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter specified in this petition.

Signed: _____
Debtor

Joint Debtor

(If joint case, both spouses must sign)**Dated:** __________
Authorized Corporate Officer, Partner, or Member**PART II - DECLARATION OF ATTORNEY:**

I declare under penalty of perjury that I have reviewed the above debtor's[s'] petition, schedules, statements and that the information is complete and correct to the best of my knowledge. The debtor(s) signed this Declaration before I submitted the petition, schedules and statements. I will give the debtor(s) a copy of all pleadings and information to be filed with, or received from, the United States Bankruptcy Court, and have complied with all other requirements in the most recent General Order, Administrative Procedures for Electronic Case Filing Manual and this court's Local Rules. I have informed the individual petitioner that [he and/or she] may proceed under chapter 7, 11, 12 or 13 of Title 11, United States Code, and have explained the relief available under each such chapter. This declaration is based upon all information of which I have knowledge.

Dated: _____**Signed:** _____

Attorney for Debtor(s), Missouri Bar No.

Attorney Address/ E-mail Address

Attorney Phone No./ Fax No.

(FILE ORIGINAL WITH COURT. DO NOT FILE ELECTRONICALLY)

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF MISSOURI**

In re:

)
)
)
)
)
)
)
)

Case No.

SUMMARY OF EXHIBITS AND CERTIFICATE OF SERVICE

The following exhibits in reference to the _____ (Motion/Claim to be filed) _____ are available upon request:

1.....

2.....

3.....

Respectfully submitted

ATTORNEY FOR _____

Copy of the above served this
_____ day of _____, _____ on:

[respondent parties if motion]
[debtor's (s') attorney and trustee if claim]